

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 7827 of 2002

Between:

Chintapalli Seetharamaiah s/o Anjaiah,
Mudinepally Village & Mandal
krishna Dist

..... PETITIONER

AND

- 1 The Secretary,
The State of Andhar Pradesh, Panchayat Raj Department
Secretariat, Hyderabad.
- 2 The District Collector, Machilipatnam,
Krishna District.
- 3 The Executive Officer,
Mudinepally Gram Panchayat,
Mudinepally Village and Mandal, krishna District
- 4 The Superintendent of Police
Machilipatnam, Krishna District
- 5 The Station House Officer Mudinepally Police Station
Krishna District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a WRIT OF MANDAMUS or other appropriate order or direction in the nature of writ declaring the in action of the authorities in stopping the Construction of a part of the Mudinepally police station building in and upon the main drain canal of Mudinepally village in Krishna District shown in the rough sketch filed along with the

writ petition and that permission, if any, granted by 3rd respondent Gram Panchayat for the same as null and void and consequently restrain the respondents 4th and 5th from making any construction in or upon the said main drain canal and also remove construction if any made so for in the interest of justice and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.NALIN KUMAR

Counsel for the Respondent Nos.1 and 2: GP for Panchayat Raj

Counsel for the Respondent Nos.4 and 5: G.P. for Home

Counsel for the Respondent No.3 : Mr.D.Srinivas

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner questioned the action of respondents in granting permission for construction of police station over a drainage. Petitioner filed this petition as "Public Interest Litigation".

Affidavit in reply states that the land was lawfully allotted for construction of police station and construction has been raised thereby not affecting the flow of drain water in any manner whatsoever.

We do not find any public interest involved in this petition where construction of police station has been tried to be prevented merely on some apprehensions, which were unfounded.

The writ petition is accordingly dismissed. No costs.

_____ DEVINDER GUPTA, CJ

Date: 6th December, 2004

M. NARAYANA REDDY, J

Pnb

To

- 1 The Secretary,
The State of Andhar Pradesh, Panchayat Raj Department
Secretariat, Hyderabad.
- 2 The District Collector, Machilipatnam,
Krishna District.
- 3 The Executive Officer,
Mudinepally Gram Panchayat,
Mudinepally Village and Mandal, Krishna District
- 4 The Superintendent of Police,
Machilipatnam, Krishna District.
- 5 The Station House Officer, Mudinepally Police Station,
Krishna District.

- 6 Two C.Cs. to the Government leader for Panchayat Raj Department,
High Court Buildings, Hyderabad. (OUT)

- 7 Two C.Cs. to the Government Pleader for Home, High Court Buildings,
Hyderabad. (OUT)

- 8 Two C.D. copies